

REMARKS

Claims 16-25 are pending in this application.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiners Rudolph and Zimmerman in the May 5, 2008 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Rejection Under 35 U.S.C. §103(a)

The Office Action (1) rejects claims 16, 18-21, 23 and 25 under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,581 (Miyazaki) in view of U.S. Patent No. 6,100,995 (Itoh); and (2) rejects claims 17, 22 and 24 under 35 U.S.C. §103(a) over Miyazaki in view of Itoh, further in view of U.S. Patent No. 6,742,130 (Kawase). Applicants respectfully traverse the rejections.

Regarding independent claim 16, none of the applied references, alone or in combination, teach or suggest an image forming apparatus having a power save mode and a normal mode, the image forming apparatus including "a communication interface that includes a receiver, and configured to control a speed for receiving the data during the period of transition" (emphasis added).

A. Miyazaki and Itoh

The Patent Office concedes that Miyazaki does not teach or suggest a communication interface that includes a receiver, and that is configured to control a speed for receiving the data during a period of transition (Office Action, page 3). The Patent Office relies on Itoh as allegedly disclosing this feature. Applicants respectfully disagree.

First, as explained during the personal interview, Miyazaki does not disclose that I/F unit 1113 is able to receive data during the transition period of transitioning from the energy saving stand-by (ESS) mode to normal operation. As would have been obvious to one of ordinary skill, electronic devices are not reliable during power transitions. Without explicit

provision for proper functioning during power transitioning periods, reliable communication would not have been available. Thus, Miyazaki does not disclose or suggest the communication interface recited in claim 16.

As discussed below, Itoh does not disclose or suggest anything relating to communication during a transition period. Thus, Miyazaki, even if combined with Itoh, would not have disclosed or suggested the communication interface recited in claim 16.

In particular, Itoh merely discloses a controller that determines a capacity remainder of memory and a reception speed control means 36b that slows down the speed of receiving printing data from a computer upon determination that the capacity remainder of the memory is below a predetermined level while both of the printer and a modem are in operation (col. 6, lines 9-15; Abstract). In contrast, claim 16 requires a communication interface that controls the speed for receiving the data during the period of transition, the transition being a period from a power save mode to a normal mode, as claimed. Nowhere does Itoh teach or suggest a communication interface that includes a receiver, and configured to control a speed for receiving the data during the period of transition, as required in claim 16.

The Patent Office acknowledges that Itoh discloses the reception speed control means 36b that reduces the receiving speed depending on memory capacity when either receiving or transmitting data (Office Action, page 3). However, a period of receiving or transmitting data does not correspond to a period of transition between a power-save mode and a normal mode, as recited in claim 16. The controller disclosed in the Itoh, even if combined with Miyazaki, would not have rendered obvious the communication interface recited in claim 16. Further, there is no reason or rationale provided in the references for a communication interface, as recited in claim 16.

Under the proposed combination, the resulting device would be the device of Miyazaki, modified to have the controller of Itoh that would control the rate that data is

received during the carrying out of an action such as faxing or receiving fax data. The combination, if made, would not provide communication during a transition period between a power save mode and normal operation, as claimed.

Therefore, Miyazaki and Itoh, alone or in combination, lack the required communication interface, and therefore would not have made obvious the apparatus of claim 16. Thus, as the applied references do not teach or suggest each and every claim feature, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are respectfully requested.

B. Kawase

The Patent Office relies on Kawase as allegedly disclosing the additional features of claims 17, 22 and 24. However, Kawase also does not remedy the deficiencies of Miyazaki and Itoh in disclosing or rendering obvious the features of claim 16. That is, Kawase also does not teach or suggest an apparatus with a communication interface that includes a receiver, and configured to control a speed for receiving the data during the period of transition.

C. Conclusion

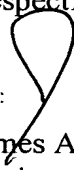
For at least the foregoing reasons, claim 16, and dependent claims therefrom, are patentable over the applied references. Reconsideration and withdrawal of the rejections are requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 16-25 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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